

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID S. TAUB and MARC TAUB

Cons. Case No.: 09 CV 599
09 CV 601 (ADS)(ETB)

Plaintiffs,

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.

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PALM BAY INTERNATIONAL, INC.

Plaintiff,

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.

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**PLAINTIFFS' RESPONSE TO MARCHESI DI
BAROLO'S MOTION IN LIMINE TO EXCLUDE EVIDENCE
REGARDING A CRIMINAL INVESTIGATION OF ANNA ABBONA**

Plaintiffs Palm Bay International, Inc.; David Taub; and Marc Taub, by and through their counsel, Ettelman & Hochheiser, hereby respond to the motion *in limine* to exclude evidence regarding a criminal investigation of Anna Abbona submitted by Defendant Marchesi Di Barolo S.p.A. ("Marchesi"), stating the following:

1. Marchesi asserts in its motion that evidence related to a criminal investigation against Anna Abbona must be excluded. At present, while Plaintiffs have information regarding

a criminal investigation involving Anna Abbona, Plaintiffs are not aware of any criminal conviction against her. Accordingly, Plaintiffs presently have no intention of introducing any such evidence at trial.

2. However, due to the fact that the allegations against Abbona directly concern her truthfulness and veracity as a witness (they are far more serious than a simple car accident as Defendant's claim in its motion), Plaintiffs reserve the right to question the witness at trial regarding this matter for impeachment purposes should Anna Abbona be convicted prior to trial.

Dated: Garden City, New York
May 11, 2010

ETTELMAN & HOCHHEISER, P.C.

By: _____ /s/
Gary Ettelman (GE-9315)
Attorneys for Plaintiffs
100 Quentin Roosevelt Blvd., Suite 401
Garden City, New York 11530
(516) 227-6300

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF system, which will send notification of such filing to all attorneys of record.

ETTELMAN & HOCHHEISER, P.C.

By: _____ /s/
Gary Ettelman (GE-9315)
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